

Raymond N. Mashni, P.L.C.
Attorney and Counselor at Law

May 29, 2008

Alva DeJarnett-Miller
Office of the General Counsel
Federal Election Commission
999 E. Street, NW
Washington, DC 20463

Re: MUR6004

Dear Ms. DeJarnett-Miller:

Enclosed please find the following:

1. Statement of Designation of Andrew Concannon as Counsel of myself as Treasurer
2. My response as Counsel of Friends of Andrew Concannon, Concannon for Congress and Andrew Concannon in regards to the above matter.

If I can be of any further assistance, please do not hesitate to contact me.

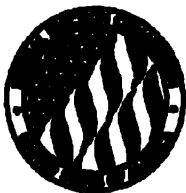
Sincerely,


Raymond N. Mashni, Esq.

RNM/jp
Enclosures
cc: Andrew Concannon

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2008 MAY 30 A 11:19



FEDERAL ELECTION COMMISSION

999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client
FAX (202) 219-9923

2008 MAY 30 A 11:19
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MUR # 6004

NAME OF COUNSEL: ANDREW CONLONNEN

FIRM: _____

ADDRESS: 3168 Sundown Lane

SAGINAW, MI 48603

TELEPHONE- OFFICE (989) 274-3490

FAX (989) 781-0480

The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

5/29/08 Raymond Markel TREASURER
Date Respondent/Client Signature Title

RESPONDENT/CLIENT Raymond Markel, as treasurer
(Please Print)

MAILING ADDRESS: 132 W. McPessing Street

Lapeer MI 48446

cell
TELEPHONE- HOME _____

BUSINESS (516) 245-2042

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Raymond N. Mashni, P.L.C.
Attorney and Counselor at Law

May 29, 2008

**Alva DeJarnett-Miller
Office of the General Counsel
Federal Election Commission
999 E. Street, NW
Washington, DC 20463**

Re: MUR6004

Dear Ms. De Jarnett-Miller:

I am writing in response to the complaint filed with your office by Mr. Jeff Timmer, Executive Director of the Michigan Republican Party. I write on behalf of 3 of the respondents, Friends of Andrew Concannon, Concannon for Congress and Andrew Concannon.

I am asking that your office finds that there is no reason to believe that Andrew Concannon, Democratic candidate for U.S. House of Representatives in the 4th District of Michigan, Friends of Andrew Concannon and Concannon for Congress have violated federal campaign finance laws.

The complaint makes two general charges, both factually incorrect. First, the complainant alleges that the congressional campaign committee has received contributions and made expenditures for federal electoral activities from impermissible sources, has received contributions in excess of the contribution limits, and has failed to disclose financial activity. Two, the complainant alleges that the congressional campaign committee has not appropriately disclosed in full campaign expenditures associated with trinkets and campaign paraphernalia distributed at a St. Patrick's Day parade in County Clare, Michigan.

1. Impermissible Contributions and Expenditures

Mr. Concannon initiated exploratory activities to determine the viability of a candidacy for public office in late November 2007. All political organizations, unless specifically exempt, are required to register with the Internal Revenue Service (IRS) within 24 hours. Since Mr. Concannon did not know for certain at the time he initiated these activities if he would become a candidate, register a campaign committee with the FEC, and therefore subsequently become exempt from IRS registration and on-going periodic filing, he applied for a tax identification number for a campaign committee, and completed the IRS registration process under the name of Friends of Andrew Concannon.

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In January 2008, Mr. Concannon became a candidate for U.S. Congress, registered this same political organization with the FEC under the name of Concannon for Congress by filing FEC Form 1, Statement of Organization. This filing disclosed the previous IRS registration on the Statement of Organization by listing it as an "affiliated" committee, but the political organizations are one in the same committee. Friends of Andrew Concannon is not a "separate 527" committee as the complainant alleges, but rather a precursor committee.

Prior to registration with the FEC in January 2008, the campaign committee did not receive any contributions or incur any expenses other than disbursements made by Mr. Concannon that he contributed in-kind to the federal campaign committee. Exploratory activities were limited to personal contacts and communications between Mr. Concannon and potential supporters and campaign development. Therefore, no contributions or transfers of funds were received from impermissible sources or "nonfederal" entities, and no contributions or monies have been received in excess of the applicable federal contribution limits as the complainant maliciously charges. Mr. Concannon's in-kind contributions and disbursements were disclosed on the April 15 Quarterly report to the extent required by FEC regulations.

To clarify matters, the committee's organizational documents have been amended to identify the campaign name as "Friends of Andrew Concannon" "aka Concannon for Congress."

2. Parade Trinkets & Other Paraphernalia

The complainant alleges that the April Quarterly report did not disclose adequate disbursements for expenses associated with the candidate's participation in the County Clare St. Patrick's Day parade.

A. T-shirts. The cost of the t-shirts was \$162.18, and was disclosed on the April Quarterly report as part of the payment to Nancy Cabrera on 3/24/08. Please see attached in Exhibit A her invoice from Saginaw Knitting Mills.

B. Car signs, truck rental and trailer rental. Two digital signs bearing Mr. Concannon's image, were on display at the parade grounds, as well as the truck & trailer used to haul and position the signs. The owners of the signs, two individuals, provided the signs as a voluntary expression of support. The individuals were exercising their freedom to speech, protected political speech, and did not intend to make a donation.

Upon investigation, the cost of the sign usage and accessories is \$350.00. The individuals who own the sign and operate the business of "Dave's Sign Rental" are not organized as a corporation. As such, even if the provision of the signs is considered to be an in-kind contribution rather than the voluntary use of personal property, use of the signs would be an in-kind contribution from a permissible source. To the extent that the Federal Election Commission views the sign as a "contribution," the appropriate remedy would be to amend the April Quarterly report to add it.

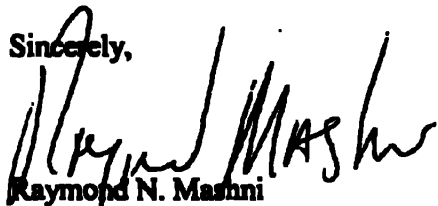
C. The 4 x 8 signs were printed in January 2008 by Keystone Printing, and paid by Mr. Concannon. The in-kind contribution from the candidate on 01/09/08 in the amount of \$402.00 discloses the payment for printing and was also reported on the April Quarterly report. Please see attached in Exhibit B the invoice for these signs.

D. Candy to hand out along parade route. The cost of these items was \$62.69 and was disclosed on the April Quarterly report as part of the payment to Nancy Cabrera on 3/24/08. Please see attached in

Exhibit C her receipts from Sam's Club. Please note that the baskets mentioned in the complaint used to hold the candy were the personal property of individuals and returned to the owners after the parade.

Given the facts as discussed above, I would like to ask that this complaint be dismissed with no further action as the complainant, the representative of a biased partisan organization, has failed to provide a basis for his allegations other than speculation.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond N. Mashni". The signature is written in a cursive, flowing style.

Raymond N. Mashni

Representative for Respondents.

Attachments

28044220675

SCREEN PRINTING

Quantity (in units)	Style	Description	Size if Applicable S M L XL				Color	Price Each	TOTAL
✓ 26	5006	Irish green shirt	4	8	5	9	White	\$5.10	132.6
✓ 4	5000B	Irish green youth t	1	1	2		White	\$5.10	20.4

Art Charge _____ Screen Charge _____ Under Minimum _____

DESIGN	FC	EB
	Conannon for Congress	Vote for me (?) I'm Irish
PRINTED BY: <u>Tammy Tamm</u>		

Remarks:

NAMES _____ #S _____

This order cannot be used as payment for any and the
cannot be used in stock. It is not subject to cancellation, return or exchange.
Additional charges may be incurred in most standard requirements.
1.00% per month will be charged on all accounts over 30 days. Annual rate 12%.

Buyer's Signature: _____

Add. Fees

Merchandise 153.0

Tax

Deposit

Total

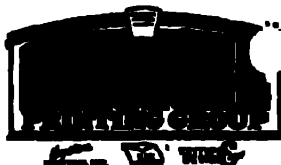
Freight

GRAND TOTAL 162.0

pack 3-12

4201

Date: _____



18400 S. US Highway 27
Lansing, Michigan 48203-5808
517485-0032 • FAX 517485-4088

Invoice

DATE	INVOICE #
1/9/2008	27655

BILL TO	SHIP TO
ANDREW CONCANNON 3168 Sundown Lane Saginaw MI 48603	

PO NUMBER	TERMS	DEPT	DATE	VIA	JOB #	PROJECT
	Due on receipt	TC	1/9/2008	Pick-up	4828	
	2					
QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT		
1	Tax - Printing	24 x 96 VINYL BANNER	180.00	180.00T		
1	Tax - Printing	24 X 96 COROPLAST SIGN	200.00	200.00T		
		Sales Tax	6.00%	22.80		
 <						



28044220678



6663 BATHING
CLUB NUMBER RIDE CHERNEY
(989) 790 - 0964
Fax and Pull 8 (989) 790-2060
03/14/08 15:27 6663 6663 006 1833
U MEMBER

THANK YOU,
SONITO CHERNEY N D P C

129764 GRASS	5.17	N
16869 KIDNIE KIX	7.88	N
125490 PLAYTIME	7.88	N
704046 BIRCH	7.43	N
SUBTOTAL	28.36	
TOTAL	28.36	
CHECK TEND	28.36	
CHANGE DUE	0.00	

ITEMS SOLD 4 *16.71*

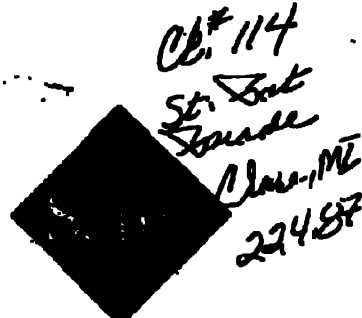


IMPORTANT NOTICE
OUR PRIVACY POLICY HAS CHANGED

We've updated our Privacy Policy, Effective 02/16/08. The updated policy is designed to be easier to read and understand. The updated policy expands on our description of the information you provide when you register and describes the types of non-personal information we collect when you visit our website. It also provides an updated description of our use and disclosure of your information, so that we can continue to expand upon and improve the services we, and our business partners, may offer you.

For more information, you may view the updated Privacy Policy in its entirety at www.samsclub.com/privacy.

Save on credit card processing for your business. Call 1.800.222.8178.
03/14/08 15:28:27



6663 BATHING
CLUB NUMBER RIDE CHERNEY
(989) 790 - 0964
Fax and Pull 8 (989) 790-2060
03/11/08 11:21 1479 6663 009 1864
U MEMBER

THANK YOU,
SONITO CHERNEY N D P C

16869 KIDNIE KIX	7.88	N
125490 PLAYTIME	7.88	N
125490 PLAYTIME	7.88	N
16869 KIDNIE KIX	7.88	N
972523 SUN BARS 340	6.68	N
965784 CHEW KIX	7.78	N
SUBTOTAL	46.98	
TOTAL	46.98	
CHECK TEND	46.98	
CHANGE DUE	0.00	

ITEMS SOLD 6



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For more information, you may view the updated Privacy Policy in its entirety at www.samsclub.com/privacy.

Book your 2008 Cruise now and save!
Call 1.800.955.7267
03/11/08 11:23:17

